

Notice of Allowability

Application No.

10/724,313

Examiner

Rodney H. Bonck

Applicant(s)

SCHECK ET AL.

Art Unit

3681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment received December 22, 2005.
2. ☒ The allowed claim(s) is/are 1-5 and 29.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/592,485.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

A.W

The following action is in response to the amendment received December 22, 2005.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Claims 9-28 are canceled.

This application is in condition for allowance except for the presence of claims 9-28 to species non-elected without traverse. Accordingly, claims 9-28 been cancelled. Note that claim 1 was initially indicated as being generic; but, as amended, claim 1 no longer appears to be generic.

Allowable Subject Matter

Claims 1-5 and 29 are allowed.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

The prior art of record fails to show or render obvious a displacement device as defined in claim 1 having the play compensation device with at least one wedge and a wedge guide and wherein the wedge angle and the maximum and minimum friction angles meet the following conditions:

$$2 * \sigma_{\text{sper}.max} < \alpha$$

$$\sigma_{\text{antr}.min} + \sigma_{\text{sper}.min} > \alpha/2.$$

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Amendment

Receipt is acknowledged of the replacement sheets of drawings filed December 22, 2005. The examiner has approved the replacement sheets of drawings for entry.

The terminal disclaimer filed on December 22, 2005 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent 6,702,089 has been reviewed and is accepted. The terminal disclaimer has been recorded. Accordingly, the rejection of claims 6 and 7 under the judicially created doctrine of obviousness-type double patenting is withdrawn.

The amendment filed December 22, 2005 overcomes the rejection of claims 7 and 8 under 35 USC 112, second paragraph. The rejection under 35 USC 112 is withdrawn.

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Claim 1, as amended in the response of December 22, 2005, distinguishes over Scheck(DE 41 20 617) for the reason set forth above under "Reasons for Allowance". Accordingly, the rejection of claims 1-3, 5 and 29 under 35 USC 102(b) and the rejection of claim 4 under 35 USC 103(a), both based on Scheck(DE 41 20 617), are withdrawn.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney H. Bonck whose telephone number is (571) 272-7089. The examiner can normally be reached on Monday-Friday 7:00AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on (571) 272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Rodney H. Bonck
Primary Examiner
Art Unit 3681

rhb
January 25, 2006

Appln No. 10/724,313

Amdt date December 20, 2005

Reply to Office action of September 20, 2005

Amendments to the Drawings:

The attached 12 sheets of replacement drawings, which include Figs. 1, 2a, 2b, 2c, 3a, 3b, 4-12, 17 and 18, replace the original sheets including Figs. 1, 2a, 2b, 2c, 3a, 3b, 4-12, 17 and 18.

Attachment: Replacement Sheets

Approved
SAB
a/25/06